

Minutes of the Planning Commission meeting held on Thursday, April 16, 2009, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Jeff Evans, Chair
Karen Daniels
Kurtis Aoki
Tim Taylor
Sheri Van Bibber
Tim Tingey, Director of Community & Economic Development
Chad Wilkinson, Community Development Planner
G.L. Critchfield, Deputy City Attorney
Citizens

Excused: Jim Harland, Vice Chair
Ray Black

The Staff Review meeting was held from 6:00 to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording of this is available at the Murray City Community and Economic Development Department.

Jeff Evans opened the meeting and welcomed those present. He invited a Boy Scout troop to introduce themselves.

Jeff Evans announced that agenda item #8, Murray Fireclay Transportation Master Plan, had been withdrawn.

APPROVAL OF MINUTES

There were no minutes submitted for approval.

CONFLICT OF INTEREST

There were no conflicts of interest noted regarding this agenda.

APPROVAL OF FINDINGS OF FACT

Tim Taylor made a motion to approve the Findings of Fact for a Conditional Use Permit for Cottonwood Financial, preliminary and final subdivision review for Spartan Subdivision, and the zone change application from William Green. Seconded by Karen Daniels.

A voice vote was made. The Findings of Fact were approved unanimously, 5-0.

FUTSAL ACADEMY – 168 West 4800 South, Project #09-18

Gerardo Bellazetin was the applicant present to represent this request. Chad Wilkinson reviewed the location and a request for a Conditional Use Permit for an indoor soccer arena. The property is in an M-G-C zone. The site plan shows parking in front of the building. Staff is recommending repair and restriping of the parking lot and to provide two disabled parking spaces. Some additional landscaping is needed to meet the 10 foot depth required along 150 West. Staff is recommending that the existing building

meet building codes in relation to the new use. The applicant has been asked to provide a change of use form, completed by an architect, to give to the Building Official. Staff is recommending approval.

Scott Gordon, #5 East 4800 South, is the property owner. Mr. Gordon stated that Mr. Bellazetin has an extensive background in indoor soccer. There is plenty of parking available. Mr. Gordon stated that he has reviewed the staff's report and will comply with the recommendations. He indicated most of the conditions are already met.

There were no public comments related to this item.

Kurtis Aoki made a motion to approve the Conditional Use Permit at the address 168 West 4800 South, subject to conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.
3. An architect shall complete a change of use form provided by the Murray City Building Department.
4. Stamped and sealed architectural, structural, electrical, mechanical and plumbing plans by appropriate design professionals shall be submitted to obtain a building permit.
5. Prior to occupancy, parking spaces shall be restriped and pavement repaired as necessary to provide required parking spaces. A minimum of two disabled person parking spaces shall be provided along with required signage.
6. A formal landscaping plan meeting the requirements of Chapter 17.68 of the Murray Municipal Code shall be submitted and approved by the Murray City Forester and shall be installed as approved prior to occupancy. The plan shall include a 10 foot depth landscape area along 150 West.
7. Trash containers shall be screened as required by Section 17.76.170.

Seconded by Sheri Van Bibber.

Call vote recorded by Tim Tingey.

A Mr. Aoki
A Ms. Van Bibber
A Mr. Evans
A Mr. Taylor
A Ms. Daniels

Motion passed, 5-0.

SPENCER AUTO – 4195 South 500 West, #34, Project #09-19

Grant Spencer was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a Conditional Use Permit for auto sales. This property is located in the M-G-C zone, which does allow for auto sales subject to Conditional Use Permit approval by the Planning Commission. There is an existing building on the property. No auto repair will be allowed inside the building based on the current building construction, which wouldn't support indoor auto repair without additional improvements. Staff is recommending approval.

Grant Spencer, 4306 South Fernwood Drive, Murray, stated that he did receive a staff report in the mail, and asked if the conditions were included in that report. He was advised that they were the same. Mr. Spencer stated that the conditions all look reasonable, and he is willing to do what is required.

Tim Taylor asked how many cars would be located on the property. Mr. Spencer responded that he has researched the State's requirements for auto dealers, and learned that it is necessary to have a place of business separate from any other type of business, with an on-site, inside office where records can be stored. This building does have a very small office. There must also be space to display three automobiles, which this building will accommodate. There are three outside parking stalls for customers, and there is also space to display a 4 x 8 sign with the dealership name and number.

Mr. Taylor asked if Mr. Spencer plans to have three cars on display at any given time. Mr. Spencer responded that he does. He plans to attend dealer auctions and purchase a few cars. He'll display three of them at this location, and drive a few of them around. His main concern is securing a physical location in order to obtain his license.

Ms. Van Bibber asked if Mr. Spencer plans on doing Internet sales. Mr. Spencer responded he may do some Internet sales, such as listing the vehicles on Auto Trader or KSL.

There were no public comments made regarding this item.

Tim Taylor made a motion to grant a Conditional Use Permit for auto sales for Spencer Auto, located at 4195 South 500 West, #34, subject to conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes. No auto repair will be allowed inside this unit.
3. Meet all Water, Sewer and Power Department requirements.
4. Any use of a trash container shall be screened as required by Section 17.76.170.
5. All of the required parking stalls shall be paved and striped to meet the zoning regulations including one disabled stall to meet ADA regulations.

Seconded by Sheri Van Bibber.

Call vote recorded by Tim Tingey.

A Mr. Taylor
A Ms. Van Bibber
A Ms. Daniels
A Mr. Aoki
A Mr. Evans

Motion passed, 5-0.

TENDERHEARTS TECH PET – 150 West 4800 South #3, Project #09-20

Noel O'Neil was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a Conditional Use Permit for an animal kennel. The property is located in the M-G-C zone. There are numerous uses within the existing development, including some auto repair businesses and fabrication. There is adequate parking available.

Noel O'Neil, 2392 West 7575 South, West Jordan, stated that she has received a copy of the staff report. She agreed to meet the conditions. Ms. O'Neil stated that this will not be like a regular shelter. She really cares about animals, and will not allow the dogs to just be put in a room to bark. The dogs will be interacting with her staff all day.

Mr. Aoki asked if there will be sand installed for the dogs to use. Ms. O'Neil stated that the dogs will be walked daily, and there are several areas near the parking area that have grass. For the puppies, pine shavings will be put down to help keep the area clean and sanitary.

There were no public comments related to this item.

Ms. Van Bibber asked Ms. O'Neil if she has ever run a business prior to this one. Ms. O'Neil responded that Tenderhearts has been run out of her home for the past four years. She advertises on Petfinder, and takes animals to local pet stores. She took over a business called Yuppie Puppy on 900 South 900 East, but the rent was too high. She wants money to be directed toward the rescue of animals, not high rent.

Karen Daniels made a motion to approve the Conditional Use Permit for Tenderhearts Tech Pet, located at 150 West 4800 South, #3, subject to conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.
3. All of the parking stalls shall be paved and striped to meet zoning regulations including one disabled stall to meet ADA regulations.
4. Any trash containers used shall be screened as required by code.

Seconded by Sheri Van Bibber.

Call vote recorded by Tim Tingey.

A Ms. Daniels
A Ms. Van Bibber
A Mr. Aoki
A Mr. Evans
A Mr. Taylor

Motion passed, 5-0.

CENTRAL VILLAGE PHASE 1 – 4535 South 600 East, Project #09-21

Sean Marquardt was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a Conditional Use Permit for a flag lot subdivision. This property is zoned R-1-8, and is surrounded to the north by G-O (general office) and a portion of the east property boundary abuts G-O and R-M-15 (multiple-family medium density). The property does have adequate square footage to meet the flag lot subdivision requirements. Flag lots are permitted in any residential zone, subject to Conditional Use Permit approval by the Planning Commission. There is an existing home on the property which meets the setback requirements for side, front and rear yards. The new lot to be created will also meet the minimum area width and lot requirements. A 20 foot driveway is proposed. There is adequate buffering to meet landscaping standards, which require 4 feet of landscaping on both sides of the driveway. There are 2 existing sheds that will need to be removed from the property prior to recording the subdivision. Staff is recommending approval.

Sean Marquardt, 322 East 6th Avenue, Salt Lake City, spoke as the authorized agent of the company that owns this property. Mr. Marquardt confirmed that he has received a copy of the staff report and recommendations. He will comply with the conditions.

Karen Daniels asked Mr. Marquardt what is the final goal for this property. Mr. Marquardt responded that the property is not currently up for sale or sold. He plans to move into the front house, and then determine if he wants to build on the back lot in the future. He wants to complete the planning process at this time.

Amy Penechar, 4545 South 600 East, stated that she and her husband appreciate the efforts of Mr. Pratt and his colleagues in cleaning up this parcel of property. She is pleased about the proposed 14 foot landscape border on the south. She asked about the process of the landscaping plan being approved by the City Forester, whether that is done only by drawn plans or if there is an actual visit to the site. Chad Wilkinson responded that landscape plans are approved on paper prior to the issuance of a building permit. An on-site inspection can be requested. Karen Daniels asked if the landscape must be completed prior to receiving a Certificate of Occupancy. Mr. Wilkinson stated that this is correct. There is some existing landscaping on the south property line, so an inspection would be to confirm that the vegetation hasn't been removed.

Ms. Penechar stated that there are some existing trees that would be removed in order to accommodate the driveway access. She asked if it is feasible to relocate any of the evergreens, such as to extend the landscape to the east. She also asked if the landscape plan includes any thinning of the dead and dying trees. There are some dead trees intertwined with fencing and telephone poles. Sean Marquardt responded that there has already been some thinning of the trees. On the driveway area there are approximately 60 trees, most of which are evergreens. More than half of them are dead or dying. There is some vegetation that they are trying to maintain on the southern border of the property, which is the side near the Penechar's property. Mr. Marquardt stated that he wants to be a good neighbor. He has been contacted by a few people about relocating trees, and there are some other properties that he may plant some of these trees on.

Chad Wilkinson clarified his earlier comment regarding inspections. It is the Building Department that does the inspection of single family dwellings. The Planning Department doesn't go out on every inspection. On this particular property, he can add a Planning inspection to make sure the landscaping is in place.

Tim Taylor asked if there would be other issues pertaining to this lot that the Planning Commission would review prior to the start of building. Mr. Wilkinson responded that this is the only opportunity to review the flag lot portion of this development. The properties to the east would only be developed through a Conditional Use Permit, so that area may come before the Planning Commission for review.

Tim Taylor made a motion to grant a Conditional Use Permit and flag lot subdivision approval for the property addressed 4535 South 600 East, subject to conditions:

A: The following conditions shall be completed prior to final plat approval:

1. Revise the plan to show a 10 foot wide PUE on the front and rear property lines of the two lots with a 7.5 foot PUE on the side lot lines.
2. Remove the two existing sheds as proposed. Follow any health department requirements related to removal of the shed.

B: The following conditions shall be completed prior to building permit for the flag lot:

1. Obtain a Murray City excavation permit for installing site utilities and drive approach. Curb, gutter, sidewalk and drive approach required on the new lot prior to occupancy of a new residence on the flag lot.
2. Meet the requirements of the Murray City Building Official for compliance with building codes for construction of a new dwelling on the flag lot.
3. Meet all Murray Fire Department requirements including to meet current building and fire codes.
4. A formal landscaping plan will need to be submitted with the building permit for the flag lot for approval by the Murray City Forester and shall be installed as

approved prior to final occupancy. The landscape plan shall include a minimum four-foot wide landscape strip along the north and south side of the access strip for the property in accordance with the standards of the ordinance.

5. A 20-foot wide paved driveway will be required at the time of construction of a residence on the new lot.

Seconded by Karen Daniels.

Call vote recorded by Tim Tingey.

A__ Mr. Taylor
A__ Ms. Daniels
A__ Mr. Aoki
A__ Mr. Evans
A__ Ms. Van Bibber

Motion passed, 5-0.

OTHER BUSINESS

Tim Tingey presented information pertaining to a recent housing study. Staff will be requesting the endorsement of the plan at a future meeting, once there has been an opportunity for comments and issues to be addressed. City Council is also reviewing the housing study and offering their input.

During the summer of 2008, the City Council allocated some funding from the Community Development Block Grant program to facilitate a planning effort for a housing study. A process was followed to request qualifications, and again to request proposals. Staff selected BBC Research out of Denver, Colorado. BBC has extensive experience with housing plans across the entire country, specifically consolidated plans for CDBG funds. A contract was signed in December, and the planning process began by conducting a residential survey. Staff assisted in this process by compiling mailings to residential areas. There were some focus groups and neighborhood property reviews and assessments. BBC has compiled a report combining data with the findings from these sources.

Staff has a few goals related to the findings in the report. There is supposed to be a biennial report given to the State government about what the community is doing to assist and promote moderate housing opportunities. This report will eventually be submitted to the State. Additionally, the General Plan adopted in 2003 has a component pertaining to moderate housing issues. Staff wanted to update the data in order to better understand how to address the needs within the community. There are two sources of funding for moderate income housing; the Community Development Block Grant program and some Redevelopment Agency funds. 20% of funds collected through tax increment financing is to go towards assisting residents for moderate housing needs.

The report indicates that the residents in Murray are aging, which is something to consider when reviewing the information. One fifth of the housing in the community was

built before 1960, so our housing stock is also aging. Renters and homeowners are cost burdened in relation to what they are paying for housing, which means that 30% or more of their income is going towards mortgages. In order for a renter to purchase a condominium or town home they must earn at least \$50,000, and to purchase a single family home they must earn \$75,000 annually. Cost and affordability are important issues and have guided staff in developing recommendations. Staff has made recommendations that they hope to approach in a pro-active and aggressive manner. Goals, objectives and outputs have been identified to address each key issue.

Tim Taylor asked if there is a significant difference between the goals and objectives identified in this report and those identified previously. Mr. Tingey responded that the goals are significantly different. Mr. Taylor asked if there are the same amounts of funds available. Mr. Tingey confirmed that the fund amount is the same, but the funds haven't been fully utilized, especially on the RDA side. Funds haven't been used for moderate housing because there haven't been programs established to address these needs. Previously there have been partnerships with other organizations that have helped with housing projects, but the City hasn't taken the initiative on these projects. The biggest difference now is that the City is taking the initiative.

The first goal is to develop programs to increase home ownership opportunities for low to moderate income households, and increase the supply of affordable housing. The main objective related to this goal is to consider establishing a housing non-profit. This objective is the key to many of the other goals. Right now the City partners with great organizations that deal with residents across the entire valley. By establishing a non-profit organization, the City will have great involvement and acquire local partners. The organization could leverage the funds that the City will provide them with other sources, such as banks and federal funds. This organization will be dedicated to Murray City and its residents. A number of other programs can be established through this organization, including down-payment closing assistance, housing rehab programs, and a variety of other programs to meet the needs of low to moderate income homeowners. Staff believes it is very important to have this organization in our community to address these needs.

The second goal is to improve the housing quality for homeowners and develop a housing rehabilitation program, and also look at density bonus programs and explore modifications to City policies to make these work.

The third goal is to address rental needs. This issue won't require significant changes because the City doesn't focus on funding from the Federal Government, which goes through the housing authority of Salt Lake County. Staff would like work to address policies at the Federal and State level to try and obtain as much funding as possible for residents in Murray. Another recommendation is to work closely with landlords in order to make housing better for Murray residents.

Mr. Aoki asked why the City would want to duplicate services that are already provided by working independently of other communities. He questioned the desire to try and work individually. Mr. Tingey responded that the recommendation is not to work individually, that this would be a focal point of the community, but staff is involved in a number of committee's and organizations state-wide that address these issues.

Participation in these efforts would continue. Ms. Van Bibber stated this program would put more focus on Murray than there has been in the past. Mr. Tingey agreed, and stated that there will continue to be collaboration between Murray and other communities.

The last recommendation is to increase landlord and resident awareness, including knowledge of housing issues, and work towards enhancing education efforts by utilizing workshops and developing an informational library. Staff is excited about the plan, and looks forward to assisting people in our community.

Mr. Aoki asked if there were any other communities with similar programs. Mr. Tingey responded that he's not aware of any, that some other communities have addressed these issues through their general plan. There have been complaints at the County level that there haven't been many updates or additional information provided to communities. It was suggested at a council of governments meeting that communities look at this issue.

Mr. Aoki stated that as homes get older and people age, their homes start to decline. By supplementing those areas that are in decline, the prices stay out of reach. Economically, an area of aging homes and population can be a positive way to have people of differing income levels move into the community. Tim Tingey stated that affordability and housing quality are being addressed, and the suggested housing rehab programs would only be assisting low to moderate income families that are homeowners. Additionally, the City wants to look into acquiring property and developing affordable housing to be marketed to low to moderate income families. Mr. Aoki stated that there have been situations when investors have bought low development areas and then waited for the government to assist them. That doesn't help any specific individuals and pays off for investors. Mr. Tingey stated that the current recommendations avoid that situation because they help specific property owners that are low to moderate income with both home rehabilitation and affordability.

Sheri Van Bibber stated that this program would offer more opportunities for home ownership instead of renting, which is better for the City. It would help Murray keep permanent residents.

Tim Taylor asked if there would be new City staff if a housing non-profit was established, or if it would be handled by current staff. He asked if the non-profit would also pursue funding opportunities other than through the City, and what impact this would have on the City budget. Mr. Tingey responded that the non-profit would pursue other funding opportunities, and that it would not have an affect on the City budget. Depending on what is needed to get the non-profit started, he anticipates using existing staff or using the approved CDBG administrative funds to add additional staff if needed. Once the non-profit is established, there will be hiring of staff and a budget. There is an organization called Neighborworks of America that gets substantial federal funding for non-profit organizations and can help fund administrative costs and housing rehab programs. There will also be other fundraising opportunities to help create a budget for the non-profit. The City will have representation on their Board, as will banks, community residents, and others.

Tim Taylor asked if there are any housing non-profits in nearby cities. Mr. Tingey responded that there are, that there's one in Salt Lake City, Provo, and Pocatello, Idaho. Mr. Aoki asked how these organizations are doing. Mr. Tingey responded that the Salt Lake neighborhood housing services has been in place for many years and has assisted in some large, successful projects, such as in the Rose Park area. The Provo organization has also been in place for a number of years, and the one in Pocatello has been in place for approximately 20 years.

Sheri Van Bibber stated that she has been involved with neighborhood housing services because they sometimes work with youth to help build the houses. She has toured the redevelopment units in Salt Lake City and was amazed at what they've done.

Mr. Aoki is concerned about the economics of this type of project. Ms. Daniels stated that there are some areas within Murray that are still affordable, and they need to be maintained so that they don't deteriorate.

Tim Tingey stated that he anticipates working through the non-profit to acquire various properties throughout the whole community, that there wouldn't be focus on a single area. Mr. Aoki stated that he liked the idea of having the areas spread out. Mr. Tingey stated that there are still questions to be addressed, but that he wanted to present the general model that is being recommended.

Sheri Van Bibber stated that she has looked at similar units in San Diego, and that they've been successful in combining lower-income units with upper end units. She foresees that same type of result, and stated that it would be a win-win situation for the Murray area.

Tim Tingey stated that there would be design standards adopted, and there would be design committees as part of the non-profit. The goal is not to build something as cheaply as possible. He wants structures that fit into the neighborhood.

Tim Taylor stated that the Committee has been asked to review the housing study and give input. He asked what type of input staff is asking for. Mr. Tingey responded that he'd like them to evaluate the study and note any questions they may have and submit those to staff. He'd also like input on the recommendations because it is beneficial to have more ideas and suggestions. He will ask the City Council to do the same thing, and possibly have public input as well. Once the plans are finalized, they'll be sent to the State and implementation will begin.

Jeff Evans asked about the timeline. Mr. Tingey responded that he anticipates bringing this issue back before the Commission in a month.

Sheri Van Bibber stated that this issue was discussed a few years ago. It was mentioned that Murray is the center of the State, and all developers want top dollar for what is being built here. She asked if this may be an issue. Tim Tingey responded that there may be some challenges in property acquisition, but the report suggests some strategies, such as starting with government owned property that is not being utilized. He stated that an area with blighted property would be another way to acquire land. Mr.

Tingey responded that it will be a gradual process to start developing homes, probably only a few a year, but it would be wise to land bank in order to allow future opportunities.

Mr. Aoki stated that in section four of the report there is mention of a survey of utility bills. He asked if there were any recommendations related to that issue. Mr. Tingey responded that a resident survey was already sent out to approximately 1150 residents, and their input is included in the housing report.

Mr. Evans thanked those present for their participation.

Meeting adjourned.

B. Tim Tingey
Director of Community & Economic Development